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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

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11 JOSE PEREZ,  
12 Plaintiff,

13 v.

14 CLARK COUNTY SHERIFF, et al.,  
15 Defendants.

2:11-cv-220-PMP-NJK

**REPORT & RECOMMENDATION  
OF UNITED STATES  
MAGISTRATE JUDGE**

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17 This matter is before the Court on the failure of Plaintiff, Jose Perez, to comply with  
18 Orders of the Court (#4 and #7).

19 **BACKGROUND**

20 The Court having reviewed this matter hereby makes the following findings:

- 21 1. Plaintiff, Jose Perez, filed this §1983 action against Clark County Sheriff and  
22 various other defendants on February 9, 2011. *See*, Complaint, attached as Exhibit  
23 1 to Motion to Proceed in Forma Pauperis (#1).  
24 2. On January 9, 2012, the Court entered an Order (#4) scheduling a status hearing in  
25 this case for January 30, 2012. The Order (#4) was mailed to the Plaintiff at the  
26 High Desert Correctional Center on or before January 10, 2012. *See*, Certified  
27 Mail Receipt (#6).  
28 4. On January 30, 2012, the Plaintiff's address was updated to the Southern Desert  
Correctional Center pursuant to the Order to Show Cause (#4).

- 1           5.     On October 24, 2012, the Court issued an Order to Show Cause (#7) for  
2                 Plaintiff's failure to take action in this case for more than one year. The Order  
3                 (#7) was mailed to the Plaintiff at the address the Plaintiff provided to the Court  
4                 by United States Postal Service Certified Mail on or before October 25, 2012.  
5                 *See*, Certified Mail Receipt (#8).
- 6           6.     The Order (#7) was returned as undeliverable. *See*, Returned Mail (#10).
- 7           7.     On January 16, 2013, the Court issued an Order to Show Cause (#12) for  
8                 Plaintiff's failure to update his address with the Court. The Order (#10) was  
9                 mailed to the Plaintiff at the address the Plaintiff provided to the Court by United  
10                States Postal Service Certified Mail on or before January 17, 2013. *See*, Certified  
11                Mail Receipt (#13).
- 12          6.     The Order (#13) was returned as undeliverable. *See*, Returned Mail (#16).
- 13          6.     The Plaintiff did not appear for the Show Cause hearing scheduled for February 1,  
14                 2013. *See*, Min. Of Proceedings (#17).

15               Based on the foregoing and good cause appearing therefore,

16                                 **RECOMMENDATION**

17               IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be  
18 **DISMISSED WITH PREJUDICE.**

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**NOTICE**

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 4th day of February, 2013.



NANCY J. KOPPE  
United States Magistrate Judge